D.B.CIVIL SPECIAL APPEAL NO. 7/2007
Hanuman Ram & ors. v. Punma Ram & ors.

Date of order : 15.03.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri Sunil Beniwal for the appellants

This appeal is directed against the order of the learned Single Judge dismissing the appeal of the appellants. The appellants had filed appeal for enhancement of compensation. The Motor Accident Claims Tribunal had awarded compensation applying multiplier of sixteen relying on evidence of the brother of the deceased. According to the appellants in the post-mortem report the age of the deceased was found to be 35 years , and therefore the Tribunal should have applied the multiplier of seventeen. Without going into the veracity of age of the victim as noted in the post-mortem report, the submission of the counsel does not seem to be in accord with second schedule to the Motor Vehicles Act under which for the person (victim) 35 years old the multiplier is sixteen. Where age of the victim was less than 35 years multiplier of seventeen can be applied . The learned Single Judge found that the victim was a mason and accordingly held that compensation of Rs. 2,70,800/- (applying multiplier of sixteen) was just and appropriate. We find no reason to take a different view.

Appeal is dismissed.

(GOVIND MATHUR) J. (S.N.JHA), C.J.

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